

CHRISTOPHER J. DODD
CONNECTICUT

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United States Senate

WASHINGTON, DC 20510-0000 DOCKET FILE COPY ORIGINAL

mm Docket 92-259
March 4, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable James Quello
Acting Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

This is a follow up to my previous letter dated February 17, 1993, regarding actions proposed by two cable television companies in Connecticut.

You will recall from my previous correspondence that certain cable providers have announced their intention to discontinue carriage of several local Connecticut broadcast stations that are currently part of in their basic subscriber packages. This will leave 182,000 Connecticut subscriber households with no timely access to Connecticut-based programming. I continue to believe this particular case has implications for millions of subscribers nationwide who live near a major metropolitan area across state lines.

I would like to take this opportunity to bring you up to date on the most recent developments in Connecticut. Subscribers across the affected area have voiced their vehement disapproval of the decision to drop local Connecticut stations. The cable providers responded by offering to retain the Connecticut broadcast stations, but in return, they demanded that the broadcast stations waive their right to negotiate retransmission fees. This represents a clear shift in the rationale of the cable providers, who first argued that the must-carry provisions under the Cable Consumer Protection Act required the carriage of New York City stations exclusively. Now, the popularity of the Connecticut stations is being used to force these broadcasters to relinquish their rights under the Act. While broadcasters cannot expect to enjoy the benefits of both the retransmission consent and must-carry rules, the intent of the Act was to guarantee them a choice.

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The Honorable James Quello
March 4, 1993
Page Two

What concerns me most are the broader implications of this case because of the impending release of regulations governing the Act. Border communities, such as those in Fairfield County, are clearly in jeopardy of losing important local programming without recourse for appeal or petition. The current ADI identification structure must be modified to protect cable consumers.

Therefore, as the Commission prepares its final regulations, I ask that adequate procedures be included to ensure that state and local communities have the right to petition for review of the definition of local broadcast markets. This review process would provide border communities such as Fairfield County a voice in defining the ADI and ensure that subscribers in a unique geographic community have equal access to news and information of direct importance to their lives. This review procedure would also restore the original intention of the Act, that local communities receive local programming. In addition, it would also restore the broadcaster's right to choose between must carry and retransmission fees.

I respectfully request your immediate consideration of the state border issue as presented in my February 17 letter. The proximity of the pending regulations makes this a particularly time-sensitive issue.

Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Dodd", written over the word "Sincerely,".

CHRISTOPHER J. DODD
United States Senator

CJD:ses

CHRISTOPHER J. DODD
CONNECTICUT

*L. Belton:
I believe my
promptly handled this
please contact
staff file 117*

United States Senate

WASHINGTON, DC 20510-0702

March 4, 1993

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Acting Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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WASHINGTON, DC 20510-0702

FACSIMILE TRANSMISSION SHEET

From the Washington, DC Office of Senator Dodd

(202) 224-2823

DATE 3/4/93 TIME 17:00
TO THE HONORABLE JAMES QUELLO
FROM SENATOR CHRISTOPHER J. DODD
NO. of Pages (EXCLUDING COVER): 2

- COMMENTS -

PLEASE FIND THIS ADVANCE COPY OF A LETTER
ENROUTE TO YOUR OFFICE.